

**REJECTION UNDER 35 U.S.C. § 103**

The Examiner continues to maintain the rejection of claims 1-29 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,643,581 (Mougin) in view of U.S. Patent No. 5,125,546 (Dunne). Applicants respectfully traverse the rejection for the reasons already of record as well as those presented below.

To establish a prima facie case of obviousness, three basic criteria must be met, including that the prior art references when combined must teach or suggest all the claim elements. M.P.E.P. § 2143 (Rev. 1 Feb. 2003). Applicants respectfully submit that the Examiner has failed to establish that the combination of references teaches or suggests all the claim elements.

The Examiner continues to maintain that the multiblock polycondensates of Mougin "appear to be identical to those claimed in the instant claims." Office Action dated July 9, 2003, at 2. In particular, the Examiner states that the multiblock polycondensates of Mougin et al. "contain a polysiloxane block, a diol and/or diamine, and a diisocyanate." *Id.* at 3.

Mougin teaches that its polycondensate is prepared by a two-stage process. Col. 3, lines 8-10. The first stage involves reacting (i) a polysiloxane and (ii) a diisocyanate whereby a new silicone is obtained. Col. 3, lines 10-17. In the second stage, the chains of the polycondensate obtained are coupled by means of a coupling agent chosen from diols and/or diamines and/or alcohol diamines. Col. 3, lines 18-24. Mougin does not teach or suggest that the polycondensate be made up of an arrangement of blocks where the blocks are obtained from: (1) at least one compound with two active hydrogen atoms per molecule; (2) at least one diol containing at least

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one functional group chosen from acid radicals and salts thereof; and (3) at least one isocyanate chosen from di- and poly-isocyanates, as presently recited in the claimed invention. In particular, the Examiner has failed to point to the teaching or suggestion in Mougin wherein the disclosed polycondensate is obtained from at least one diol containing at least one functional group chosen from acid radicals and salts thereof. This, the Examiner cannot do because Mougin contains no such teaching.

The Examiner relies on Dunne for teaching the inclusion of a cosmetic composition in an aerosol container. Dunne does not remedy the deficiencies of Mougin.

In view of the foregoing remarks, Applicants respectfully submit that the Examiner has failed to establish that the references, alone or in combination, teach or suggest all the claim elements. In particular, the Examiner failed to point to the teaching or suggestion in the references, such as Mougin, wherein the disclosed polycondensate is obtained from at least one diol containing at least one functional group chosen from acid radicals and salts thereof, as presently recited in the claimed invention. For at least this reason, reconsideration and withdrawal of the rejection are respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

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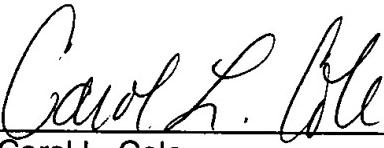
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any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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